

right to free speech the “most treasured benefit of living in a free and democratic nation.” And he has certainly exercised that right to the fullest both here in the Senate and across the country.

Throughout his political career, JIM has always been guided by an unwavering commitment to freedom, and I know it is that same commitment to defend and enlarge our freedom that led him into this next chapter in his life. It is this passion to defend freedom, both for Americans here at home and for our allies around the world, that has struck a chord with so many Americans and helped make JIM a national figure—not to mention a best-selling author.

In addition to the fact that he and his staff have helped address more than 30,000 constituent inquiries during his time here in the Senate, it is also why JIM has remained so popular with his constituents back home, and it is why his colleagues here in the Senate are so sad to see him go.

JIM leaves with a legacy. He has been a real champion for limited government and constitutional conservatism on the national stage. But what has always guided him most over the years is the conviction that most decisions are best made at the local level. And whether it is his work with veterans, in promoting adoption, or in reforming education, that is what he has always stressed.

So I want to thank the Senator from South Carolina for his sterling service to the Palmetto State and to our country. I wish him and Debbie and the entire DeMint family all the very best in the years ahead. Godspeed, Senator DEMINT.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

The Senator from Utah is recognized.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

#### TRIBUTE TO DEPARTING SENATORS

JIM DEMINT

Mr. HATCH. Madam President, I wish to say a few words about my colleague JIM DEMINT. We have had a lot of really good people during my service here on both sides of the aisle. I have friends

who have passed on and who made such a difference around here. I have to say that JIM DEMINT has been a rock-ribbed conservative who I think has made a great difference in this body and for whom I have a lot of respect. I have profound gratitude that he has fought as hard as he has for the principles he believes in, most of which I believe in.

I wish him Godspeed as he works over at the Heritage Foundation. I can't imagine a better place for somebody who loves the issues, wants to play a role, has played a role, understands this body, understands the political nature of this country, and has been very active in trying to change this country for the better. JIM has those kinds of abilities. I wish him well, and I sure hope he will have a great time while he is over at the Heritage Foundation. I have great respect for him. I think most people who really know him have great respect for him. I always respect people who really do what they believe, and JIM DEMINT has exemplified that as well as anybody I know.

#### TANF

Mr. HATCH. Madam President, I rise today to speak about important issues facing us as we work to reauthorize the Temporary Assistance for Needy Families Program, the TANF Program. Poverty has risen to a crisis level in our country. In 2011 there were 16.1 million children in families with incomes below the poverty level.

The pernicious effects of poverty have implications for children's health, education, and well-being. Research has demonstrated that there are significant associations between poverty and problems with children's health, cognitive development, behavior, emotional well-being, and school achievement. These problems are exacerbated for families in extreme poverty, where the annual income is less than half of the poverty level. In 2011 there were over 7 million children in the United States living in extreme poverty.

Poverty is also a risk factor for child abuse and neglect. Data assembled by the Center for Law and Social Policy reveals that poverty is the single best predictor of child maltreatment. Children living in families with annual incomes below \$15,000 were 22 times more likely to be abused or neglected than those living in families with annual incomes of \$30,000 or more.

According to a report from the Children's Defense Fund, “Children of color continue to suffer disproportionately from poverty.” The Children's Defense Fund cites data showing that more than one in three African-American children and more than one in three Hispanic children were poor in 2011, compared to a 1-in-8 ratio among White non-Hispanic children.

These families face huge challenges navigating the bare necessities of daily life. Fresh healthy food can be rare. Unsafe housing contributes to chronic

child health issues such as asthma. Transportation to and from work, the grocery store, and the doctor can be infrequent and unreliable.

Programs funded through TANF—the Temporary Assistance for Needy Families Program—provide cash assistance to families struggling in deep and persistent poverty. TANF is a block grant to States for their use in ending dependence on government benefits and, more broadly, to promote child well-being. TANF Programs can also provide work support such as transportation assistance and childcare for families working to get themselves out of poverty and into decent-paying jobs. In addition to safety net and work support programs, TANF also funds a number of child welfare programs that, when effective, reduce the number of children in foster care and help keep families together.

When TANF was enacted, many States used the funding stream in an effort to move welfare recipients into work. However, over time the focus of TANF in many of these States has shifted from working with job-ready adults to a funding stream largely dedicated to funding purposes unconnected to job readiness.

For many years I have expressed concern that nationwide over 50 percent of able-bodied adults receiving cash assistance are reported to engage in zero hours of work-related activity. Additionally, I have raised concerns that most States are not able to meet the Federal work-participation rate. This work-participation rate requires that a State engage half of its cash assistance caseload in specified work-related activities for a certain number of hours each week.

If you ask the average middle-class American how many able-bodied adults receiving welfare should be engaged in work or work-related activities, my guess is the answer would be all of them. It should be shocking to the American people that most States are not able to engage half of their welfare caseloads in such activities.

Furthermore, I have raised concerns that there is a considerable amount of TANF spending on child welfare programs that goes unaccounted for and is not coordinated with possibly duplicative spending administered by State child welfare agencies.

Authority for TANF expired at the end of 2010. Unfortunately, although this is a matter of serious concern, the Obama administration has never proposed a 5-year reauthorization of the TANF Program. Instead, on July 12, 2012, the Department of Health and Human Services released a document, which they inaccurately described as an “Information Memorandum,” to the States claiming on behalf of the Obama administration unprecedented waiver authority over TANF work rules.

This action provoked a swift and strong condemnation from members of the legislative branch and rightly so.

Many Members of Congress believe the welfare waiver document constitutes an excessive and unwarranted overreach on the part of the executive branch. The Government Accountability Office agreed with us and has determined that the July 12, 2012, document is, in fact, a rule as defined by the Administrative Procedures Act and as such should have been submitted to Congress for review.

Since the welfare waiver is considered a rule, like all rules, it is subject to a joint resolution of disapproval under the Congressional Review Act. The Senate Parliamentarian agrees with the GAO, and she has advised that for purposes of the CRA, that is, the Congressional Review Act, this rule should be considered to have been received by Congress on September 10, 2012, even though the administration failed to submit it as required by law.

The CRA provides the Senate with a procedure for expedited consideration and a vote on a resolution of disapproval during a certain window of time so long as at least 30 Senators have signed a discharge petition to bring the resolution to the floor. I have introduced such a resolution, S.J. Res. 50, which provides for congressional disapproval of the rule submitted by the Department of Health and Human Services relating to the authority to waive Federal welfare work requirements under section 407 of the Social Security Act. Having introduced it within the required timeframe under the CRA and having obtained enough signatures on a discharge petition, it is within my rights as a Senator to call for a vote on my resolution prior to the Senate's adjournment this year.

Now, I am not naive, nor am I overly idealistic. I am well aware that the vote on S.J. Res. 50 would likely fall along party lines, and this is disappointing. It is clear that the administration's purpose in granting themselves this waiver authority is to undermine a work-first approach to getting welfare recipients or clients off the rolls. This has been the desire of many critics of Clinton-era welfare reforms since they were enacted.

The administration has not been forthcoming at all about what they want to substitute for a work-first approach. In the past, absent strong Federal performance standards, States have allowed activities such as journaling, exercise, or assisting a neighbor, just to name a few, to count as work for the purposes of welfare eligibility.

Here is why I have such a problem with this shift in policy: I believe most people receiving welfare are unhappy with their situation and want to be able to work. Even with assistance, families trying to survive on cash-assistance welfare are living in desperately impoverished circumstances. The reasons some families have to go on welfare can be, of course, complicated. Many adults on welfare struggle with mental health and substance

abuse issues. These barriers to work prevent adults on welfare from having work-readiness skills. Additionally, inactivity and the lack of attachment to the workforce can exacerbate mental health and self-medicating tendencies and create a downward spiral for these families, and it can be very hard to reverse course.

Over the years, research has consistently revealed that a work-first approach to welfare, combining an intense effort to engage recipients in work-related activities to foster an attachment to work with a blended array of work supports, such as education and training, has the greatest degree of success in getting clients off of welfare.

The reason I am so vehemently opposed to the administration's scheme to undermine the welfare work requirements is that I believe it will hinder, not help, the effort to get adults off welfare and into the workforce. Put simply, allowing activities that are not work to count as work will not get people off welfare.

The administration and their apologists have not even tried to make a policy case for their non-work-first approach. Instead, apologists of the administration's welfare waiver rule generally attempt to obfuscate and distract from the fact that the Obama administration granted themselves waiver authority to bypass the legislative branch with the goal of weakening welfare requirements.

Let's take a look at some of their arguments. Right out of the gates, supporters of the administration's policy argue that members of the legislative branch asserting their rights in the face of executive overreach were simply trying to give the Romney-Ryan campaign an issue.

Well, in case anyone hasn't heard, the country recently held an election, and President Obama was reelected. There is no longer a Romney-Ryan campaign, so that distraction falls away.

Apologists of the executive overreach have also tried to muddy the issue by suggesting that the administration is giving the States what they asked for. For example—and I take this a little personally—in an effort to create a false justification for their power grab, the Obama administration has repeatedly misrepresented the views of the State of Utah. It is true that when asked by the administration what they wanted in a TANF reauthorization, some States indicated the desire for more flexibility, but there was never any indication that the States wanted the administration to go around Congress to provide this flexibility.

According to the Government Accountability Office, between 2000 and 2009—during the Clinton, Bush, and even the Obama administration—HHS consistently told States that they had no waiver authority under TANF. So States naturally and rightly assumed that any requests for waivers would have to go through Congress. This is

evidenced by the fact that in the 6 months since HHS granted itself authority to waive welfare work requirements, not a single State has applied for one of these waivers. In other words, any argument that the need for State flexibility is so urgent that the administration had to bypass Congress to give it falls by the wayside. Once again, we see a distraction crumble under the weight of the facts.

Another distraction raised by supporters of the administration is comments from a former House Ways and Means staffer to the press indicating that he thought additional flexibility for States might not be a bad idea. Of course, this same staffer also said that unilaterally establishing these waivers without consulting Congress was not the way to go. If that is the best expert opinion supporters of the administration can come up with to support this shift in policy, they have clearly failed to make their case.

Once we cut through all of these distractions the administration and its allies have tried to throw in our path, we are left again with the heart of the matter. The Obama administration is trying to bypass Congress and enact policies that are not provided for under current law. Whether or not one agrees with the administration's change in policy, that simple fact remains and we ought to stand up for the prerogatives of the legislative branch. That is why we have three separate branches of government, so that we have some checks and some balances in our society.

As a Member of the Senate, I simply cannot stand by and watch the administration undermine the relevance of the legislative branch. I cannot stand by and see Members of the House of Representatives who have worked for years to develop expertise on welfare policy turned into potted plants.

But there is more than one way to stand up for the U.S. Congress. The country has been through an exhaustive and highly partisan election. Some call it a status quo election. The country has elected a Democrat to the White House and sent back a divided Congress. No one side can claim a mandate, in my opinion, and I think in the opinion of most people. What the American people want is for Democrats and Republicans and the President to work together to get things done for the American people, and get things done right for the American people. One of the things we need to get done is a comprehensive overhaul and reauthorization of TANF. Welfare-work requirements need to be updated and strengthened, certain loopholes need to be closed, and there must be increased transparency and accountability relative to TANF spending on child welfare programs and services.

In order to begin bringing all sides together, particularly after such an acrimonious political period, someone must make the first move. Therefore, as an act of good faith, in order to facilitate a collegial bipartisan working

relationship on TANF, I am putting my colleagues on notice that earlier today I sent President Obama a letter informing him that I will not insist on a vote on my resolution of disapproval during this session of Congress. In the spirit of compromise and bipartisanship, I have asked President Obama to respond to my action by instructing Health and Human Services Secretary Kathleen Sebelius to withdraw the welfare waiver rule and submit a 5-year TANF reauthorization proposal to the Congress. If there are aspects of the welfare waiver rule the administration wishes us to consider, I hope they will include them in their proposal so they can be debated and negotiated here in Congress.

I have written to the President and told him I am committed to working with his administration as well as Chairman CAMP and Chairman BAUCUS to enact comprehensive and meaningful welfare reauthorization early on in the 113th Congress. I made this offer to President Obama with good will and in good faith. However, if the President rebuffs my overture, the Congressional Review Act will afford me this opportunity for another vote on a resolution of disapproval next year. This is because even if the Senate meets in legislative session every day until January 3—including Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, and all weekends—there will not have been 60 session days between the date the welfare waiver rule is deemed to have been submitted to the Senate and the convening of the 113th Congress. Since the 112th Congress will end before the full 60-session-day period has elapsed, the Congressional Review Act provides for another 60-day period to act on a disapproval resolution regarding this rule in 2013. I hope it doesn't come to that. Therefore, if President Obama does not withdraw the welfare waiver rule, submit a 5-year TANF reauthorization plan, and then work with Congress to enact meaningful, comprehensive welfare reform that strengthens work requirements and provides for improved accountability of TANF spending, I will be right back here in a few months exercising my right to demand a vote on a new resolution of disapproval under the Congressional Review Act.

I sincerely hope it does not come to that. As my colleagues know, I have a long history of forging bipartisan compromises on welfare, among many other things. I was a key player during the 1996 consideration of welfare reform that was passed by a Republican Congress and signed by a Democratic President. In 2002, Senator Breaux and I worked with Republicans and Democrats to draft the so-called "tripartisan" agreement on welfare reauthorization. I stand willing to work again on a bipartisan basis on this important issue at this most critical time.

As Members of Congress, I believe we have a moral obligation to do what we can to help those facing staggering

challenges and deep and persistent poverty. We can begin to meet this moral obligation by strengthening and improving the TANF Programs for the working poor, the middle class, and children in the child welfare system.

In America today we have women who take their children with them rummaging through trash cans, hoping to find discarded soda cans so they can sell them back to stores. In America today we have families who every month must make painful decisions about whether to buy food or medicine or whether to pay to heat their home or put gas in their car. Many single moms have no good choices when it comes to providing childcare for their children while they attempt to find work. I can think of no group of Americans more deserving of having the Senate's time and attention directed toward crafting policies designed to help improve their lives.

If my colleagues look over my past 36 years, I have been there for these Americans. I was there in enacting TANF. I was there on a number of child welfare programs. I was there on the Child Care and Development Block Grant. I was there on the Americans With Disabilities Act, and countless other bills. These bills I worked on have helped to make a difference.

But I am concerned that increasingly, we are becoming a welfare society. A lot of people aren't going to go to work, and every time, every quarter, we find more and more people who won't even look for a job anymore. That is not the way to run a great country. That is not the way to help people to be self-sufficient, it is not the way to help people to be self-reliant, and it is not the way to keep a country great.

This is an important issue. I believe everybody in the Senate ought to stand up for the rights of the Congress. And I believe the President can show great good will here if he would do what I have suggested, which I think my Democratic colleagues would appreciate as well, and that is send up the 5-year reauthorization of TANF and of course withdraw that particular approach toward waivers that literally should not ever be granted without congressional consent. I think the President would come a long way by doing that and it would mean a lot to me personally. Let's hope we can get the President to consider these remarks this day because they have been delivered in good faith, hoping we will find solutions to these problems and, above all, hoping we can help our people.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, in every corner of the globe—from pole to pole, and from the top of our atmosphere to the depths of our oceans—we see evidence of the fundamental changes that are taking place across our Earth.

In 2012, North America experienced a number of unusually severe events and passed several ominous milestones. These episodes have driven a shift in attitude—a realization, really, among Americans. As we head home for the holidays this year, each of us is likely to find back in our home States that more and more people are convinced that climate change is happening, and that it is deadly serious.

Here are just some of the extraordinary events that occurred as we look back on this year, 2012.

January 2012 was the fourth warmest January experienced in the contiguous United States since we began keeping records. And we began keeping records in 1895. By the end of January, snowpack in the Sierra Nevada Mountains was 50 percent less than normal.

February 2012 marked the end of the fourth warmest winter on record—an above-average start to the year but not extremely so.

Then this happened: March 2012. March 2012 was the warmest March on record. Every State in the Nation experienced a record daily high temperature in March. There were 21 instances of nighttime temperatures—nighttime temperatures—being as warm or warmer than the existing daytime record temperature.

It was also in March that a University of Texas poll asked respondents if they thought climate change was occurring. Madam President, 83 percent of Democrats said yes; 60 percent of Independents said yes; 45 percent of Republicans said yes.

As 2012 went on, things did not slow down much for the lower 48 States.

April 2012 would become the third warmest April on record. I came to the floor in April to speak about another milestone surpassed that month. For the first time—for the first time—one of NOAA's remote monitoring sites—this one in the Arctic—recorded a concentration of 400 parts per million of carbon dioxide in the Earth's atmosphere, crushing records that go back 8,000 centuries. For 8,000 centuries mankind has inhabited a planet with an atmosphere with carbon concentration being 170 and 300 parts per million. We have broken out of that. For the